IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4249 OF 2006

Sangli Miraj Kupwad Cities Municipal Corporation, Sangli ...Applicant

Versus

Hotel Prabhat Delux and Ors. ...Respondents

Shri N.V.Walawalkar, Senior Advocate with Sudhir Prabhu for the Applicant.

Shri U.V.Nikam, A.P.P for the State.

AND
CRIMINAL APPLICATION NO.4250 OF 2006

Sangli Miraj Kupwad Cities Municipal Corporation, Sangli ...Applicant

Versus

Shivneri Bhojanalaya & Ors. ...Respondents

Shri N.V.Walawalkar, Senior Advocate with Sudhir Prabhu for the Applicant.

Mrs M.M.Deshmukh, A.P.P for the State.

CORAM : A.S.OKA, J.

DATE : DECEMBER 11, 2006.

P.C.:

1. These are the Applications for grant of special leave to prefer an Appeal against acquittal filed by the Applicant under section 378(4) of the Code of Criminal Procedure, 1973. In both the cases the Applicant filed private complaints alleging commission

of offences under section 299, 137, 335 of the Maharashtra Municipal Councils, Nagar Panchayats And Industrial Townships Act, 1965. In both the cases the learned Trial Judge has passed an order of acquittal on the ground that notice under section 299(b) of the said Act of 1965 was not served to the accused.

2. I have heard the learned senior counsel appearing for the Applicant in these Applications. I have perused the notes of evidence and the impugned Judgment and Order. On the basis of evidence led behalf the Applicant, the learned Judge has recorded a categorical findings that there was no evidence whatsoever produced by the Applicant to show that the notices were sent to the accused and that the notices were served. It is not the case of the Applicant that any lawful order or direction was issued against the accused. I find that the view taken by the learned Trial Judge is a possible view which could have been taken on the basis of the evidence on record. No case is made out for grant of leave. Applications are rejected.

JUDGE